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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,387	09/27/2004	Pasqualino Franco	2521-1018	5048
466	7590	06/28/2006	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			WILKENS, JANET MARIE	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/509,387	Applicant(s) FRANCO, PASQUALINO	
	Examiner Janet M. Wilkens	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 13-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/27/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement filed September 27, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the adhesive connection and the projection/notch connection must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate

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figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

(Namely, it is improper to have the phrase "the present invention" in the abstract.)

The use of the trademark VECLRO has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic

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terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 13, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Also for claim 13, it is unclear whether or not the table and/or cloth is/are to be claimed in combination with the system and device. The preamble does not positively claim the table or cloth; however, the body of the claim does. For examination purposes, the combination, with both the table and cloth, will be considered the claimed subject matter. Furthermore, for claim 13, it is unclear whether or not the mobile element in line 9 is the same element as claimed in line 8. Finally for claim 13, "the inner space", "the sides" and "the upper border" lack antecedent basis and claiming "possible" means is indefinite (is this means claimed or not?). For claim 14, "the mobile elements" (plural) lacks antecedent basis. For claim 15, "the screw" and "the joint" lack antecedent basis and

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wording of this claim is confusing (i.e. the limitations concerning the inner side of the device is confusing). For claim 16, it is unclear whether or not the "a projection" is one of the projections claimed previously and "the upper notch" lacks antecedent basis. For claim 18, it is indefinite to use the phrase "other means" in a claim, because it is unclear what those means are. For claim 19, stating that the clip "may be" attached to the table is indefinite. It either is or isn't attached to the table. Also, "the joint" and "the two extensions" lack antecedent basis. Finally for claim 19, it is indefinite to use the phrase "or otherwise shaped" in a claim, because it is unclear what that shape is. For claim 22, "the notches" lacks antecedent basis.

Claim 13 also contains the trademark/trade name VELCRO. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe hook and loop fasteners and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 17, 18, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrlich in view of Bloomfield. Ehrlich teaches a table cloth attachment system (Fig. 1) comprising: a table (28), a table cloth (10), a table skirt (14) and a clip (Fig. 3). The clip helps hold the table cloth on the table and helps attach the skirt to the cloth via VELCRO (26,30). For claim 13, Ehrlich fails to teach that the clip attached to the table is comprised of a fixed element having a rectangular hollow space and projections and a mobile flat rectangular element insertable into the inner space of the fixed element. First, Bloomfield teaches a clip (Fig. 5) attached to a flat surface (11) that is comprised of a fixed element (12) having a hollow space and projections with notches (19,22) and a mobile flat rectangular element (31) insertable into the inner space of the fixed element and blocked from removal by the flanges. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Ehrlich by using an alternate clip means therein, i.e. using the clip of Bloomfield therein instead of the one presently used, since these means are functional equivalents and it appears that either type of clip would work equally well in the system of Erlich. Furthermore, the clip of Bloomfield would provide a more

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secure/stable clip since it would be directly attached to the table edge. Note: the VELCRO and skirt of Erlich could be applied to the outer surface of element (31). Second, it would have been an obvious design consideration to make the hollow portion of the clip of Bloomfield rectangular, instead of oval; this shape not changing the relationship between the clip and element.

For claims 17 and 18, Ehrlich in view of Bloomfield fails to teach how specifically the clip is attached to a surface/table; only that it can be temporarily or permanently attached. However, means such as perforating screws/holes, adhesive, VECRO, etc are well known fastening means and it would have been obvious to one of ordinary skill in the art at the time of the invention to use known fastening means to temporarily or permanently attach the clip to the table, depending on the desired need of the person constructing the system, e.g. depending on personal preferences, materials readily available, etc.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrlich in view of Bloomfield as applied to claims 13, 17, 18, 21 and 23 above, and further in view of Tysdal. As stated above, Ehrlich in view of Bloomfield teaches the subject matter of claim 13, including a clip attached to a table. For claim 19, Ehrlich in view of Bloomfield fails to teach how specifically the clip is attached to a surface/table; only that it can be temporarily or permanently attached. Tysdal teaches flanges (28,30) on the back of a clip (20) to attach around an edge. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the fastening means of Tysdal on the clip of

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Ehrlich in view of Bloomfield, to temporarily or permanently attach the clip to the table.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrlich in view of Bloomfield as applied to claims 13, 17, 18, 21 and 23 above, and further in view of Pettibone. As stated above, Ehrlich in view of Bloomfield teaches the subject matter of claim 13, including a clip attached to a table. For claim 20, Ehrlich in view of Bloomfield fails to teach how specifically the clip is attached to a surface/table; only that it can be temporarily or permanently attached. Pettibone teaches a projection (52) on a clip (18) and groove (54) in a table edge to attach the clip around an edge. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the fastening means of Pettibone on the clip of Ehrlich in view of Bloomfield, to temporarily or permanently attach the clip to the table.

Allowable Subject Matter

Claims 14-16 and 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

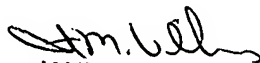
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wilkins
June 23, 2006


JANET M. WILKENS
PRIMARY EXAMINER
Art 3637